

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

February 24, 2005

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, February 24, 2005, at 1:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Morris K. Dunlap, Chair; Harold Warner Jr. Vice-Chair; Darrell Downing; John W. McKay Jr.; Bill Johnson; Bud Hentzen; Ronald Marnell; Elizabeth Bishop; M.S. Mitchell; Denise Sherman and Gary K. Gibbs. Frank Garofalo and James Barfield were not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Manager; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Jess McNeely, Associate Planner; Jamsheed Mehta, Transportation Planning Manager; and Rose Simmering, Recording Secretary.

❖ MPO ITEMS

- 1. PUBLIC HEARING ITEM** – Transportation Improvement Program (TIP) amendment recommendation, presentation by Jamsheed Mehta.

Adopt the Proposed Amendment to the Transportation Improvement Program (TIP) 2004-2008.

A request was made by the KDOT to amend the current 2004-2008 Transportation Improvement Program (TIP) to include Federally Earmarked program funds that are time sensitive. The federally earmarked program funds require programming into the TIP in 2005. Early programming will allow the KDOT to get these projects into the system and will assure no loss of funding due to unforeseen circumstances.

On the attached spreadsheet (Attachment A – KDOT/WICHITA Proposed TIP Amendment) the first three projects are the federally earmarked projects. Other projects KDOT requested including in this amendment are:

- STEP or Special Traffic Enforcement Program that has been newly funded, requiring inclusion into the TIP.
- Sobriety Checkpoint program increase in funding to include Sedgwick County.
- Two construction projects that have either been newly funded requiring inclusion into the TIP and/or existing funds that have increased requiring an amendment.

The Technical Advisory Committee on Transportation Planning (TAC) reviewed the amendment request on January 31, 2005 and unanimously voted to recommend the addition of the federally earmarked projects and other projects as presented into the current 2004-2008 TIP. On February 10, 2005 the MPO reviewed this proposed amendment and set the Comment / Review period for February 10, 2005 through February 23, 2005.

Recommendation:

It is recommended the MPO:

1. Adopt the proposed amendment to the Transportation Improvement Program.

JAMSHEED MEHTA planning staff presented a public hearing item to adopt a TIP Amendment, this would be the 7th amendment to the TIP since you originally approved it in December 2003. You received a list of projects when you met on February 10th. Since then we have posted it for Public Hearing. We have not received any comments back from the public. It has been reviewed by Technical Advisory Committee, received no comments. The top three projects on this amendment sheet are the Central Rail Corridor, the I-235 interchange and the ITS Program, these are new federal earmarks received for this region through the 2005 appropriations bill. The other are additional funds, none of them are local funds from any of the jurisdictions except the last one the City of Maize did apply for Economic Development Funds through KDOT. It was the only project selected from our region. This was something that the MPO had reviewed and sent out to KDOT for approval. One project was selected for the City of Maize and that is the only one where there is some local share involved. On almost all the others there is either very little or no local funding for these kinds of projects.

DUNLAP is there a changes here from when we approved it for the public hearing on February 10th?

MEHTA there are no more changes; this is final, do you have any questions?

DUNLAP all we need to do is open for the public hearing and invite anyone here wishing to speak on this Agenda Item, now would be the right time to do that. Seeing a negative rush toward the podium. Is there anyone in the audience wishing to speak? Closed the public hearing. The recommended action of the MPO is to adopt the proposed amendment to the Transportation Improvement Program and the Chair moves that we do that.

MOTION: The recommended action of the MPO is to adopt the proposed amendment to the Transportation Improvement Program

DUNLAP moved, **HENTZEN** seconded the motion, Motion carried (10-0)

- 2. Endorsement of the Metropolitan Planning Area Boundary and Membership Agreement, presentation by Jamsheed Mehta.**

Metropolitan Planning Area Boundary and Membership Agreement

The Metropolitan Planning Area Boundary and Membership Agreement is an agreement between the Kansas Department of Transportation, the City of Wichita and Sedgwick County to expand the planning boundary and provide for expanded representation on the Metropolitan Planning Organization's Policy Body.

The Agreement has been reviewed by the Law Departments of the City of Wichita, Sedgwick County and the Kansas Department of Transportation. The document has been presented to the Coordinating Committee for Transportation Planning on December 28, 2004 for review and comment. The new agreement provides for:

- a. An expanded metropolitan planning area boundary;
- b. Nineteen (up from fourteen) voting members of the Policy Body;
- c. Renaming the MPO to reflect the expansion of the planning area;
- d. Continuity of MAPD staff services to the MPO;
- e. Continuity of City of Wichita services as fiscal agent for MPO and MAPD budgets;
- f. Authority for the MPO Policy Body to adopt new and revised bylaws; and
- g. Revisions to this agreement by KDOT and the governing bodies of Wichita and Sedgwick County.

The KDOT, City of Wichita, and Sedgwick County shall sign this Agreement on March 1 and 2, 2005. The first meeting of the expanded MPO Policy Body is scheduled for March 10, 2005.

MEHTA This is not an action item but this is for your information, however it does affect this policy body significantly in the very near future. This Policy Body has been the MPO since 1974, when the state designated the Planning Commission to carry out the mandated Federal Transportation Planning process; even dating back to 1965. The Planning Commission was then directed to carry out the three "C" process; comprehensive, continuous and cooperative transportation planning. Now what happened with the 2000 Census, and this is old news for some, but I am just mentioning for the record so that everyone is up to speed on it. The 2000 Census came out and it revealed an extended Wichita Urbanized Area going beyond Sedgwick County limits. A little bit to the east into Butler County, and a little to the south into Sumner County. The MPO's planning area or jurisdiction for planning must include this new urbanized area. It must also include that area which is expected to be urbanized in the next 20 years, which is the minimum length of the long-range plan. Now in working with officials from Andover, Butler, Mulvane and Sumner County we have identified the growth areas. Because the 14 members here do not represent the additional or expanded planning area, this agreement adds 1 seat each from additional areas, Butler, Andover, Mulvane and Sumner Counties. Federal law also encourages representation on the MPO policy bodies of officials from the Transit provider the state DOT and the regulations encourage elected officials to be part of the policy body. So in the spirit of inclusiveness this agreement adds one seat for Transit, one non-voting ex-official seat for KDOT and 2 seats for elected official nominated by the Sedgwick County Association of Cities or SCAC as it's called here. This agreement is between the original parties who previously designated the planning commission as the MPO, which is the state, KDOT, Sedgwick County Board of County Commissioners and the Council of the City of Wichita. Any future change to this agreement is done by the action of these three entities lets call it the parent entities. This is not a re-designation agreement; this is an expansion of the MPO membership due to the expansion of the boundaries. Because it is more that Sedgwick County, what this agreement does is drop the term, where we had Wichita-Sedgwick County, we will drop the term Sedgwick County and call it Wichita Area, it is important to have Wichita in it because it is the Wichita Urbanized Area that is driving it and that is the central city. Not a whole lot changes in terms of our operation. The MAPD continues to be the staff to the expanded MPO as it is right now. The City of Wichita finance department continues to be the fiscal agent for the MPO and the MAPD, as it is right now. This new MPO will become (WAMPO) Wichita Area Metropolitan Planning Organization will have the authority to adopt its own bylaws and revise it as needed. The only thing that this MPO does not do, or does not do on its own, is revising the boundary agreement itself, and the Agreement includes these clauses in it.

The next step, the City Council adopts this agreement on the 1st of March, and the County Commission will be presented and adopt on March 2nd. Once KDOT signs off on it on their side and that will be on behalf of the Governor, then this group will be a 20-member MPO and it will be a little bit cramped and you will get cozy beginning next month, if that's the best time to invite everyone on board. Upon agreement we will have concluded what began nearly 3 1/2 years ago, this whole process of seeing what is the best way to expand and include appropriate representation on the body. Again like I said this is an informational item and we are here for questions if you have any.

MITCHELL what will be the process to develop and approve the bylaws?

MEHTA what we had envisioned and certainly are ready to change it is that staff takes a stab at it for the first round, presents it to you and to the other agencies that are involved in the larger MPO; give us your feedback and we will begin to start working with the respective law departments, City, County and State to ensure their level of comfort. These are your bylaws; they do not necessarily need to be approved and adopted by the governing body. This agreement does allow you, the expanded MPO, to write your bylaws and revise them.

MITCHELL so our first look at your draft will be in a public meeting or will we be given an opportunity to review those before a public meeting?

MEHTA it could go either way. It could be a working committee if you like of a subset of this group. We have done that before in some other policy related documents. We can have an ad hoc committee to give us directions if you will and we will write it and present it to the larger group.

DUNLAP Do you see a major change between the bylaws we have been functioning under and the new ones?

SCHLEGEL yes, because you have been functioning under the MAPC bylaws. What you will now have is a different group because the membership of the MPO will now include these additional 5 voting members. It would behoove you as an MPO Board to have your own set of bylaws to operate the MPO under separate from the MAPC bylaws.

DUNLAP similar in nature?

SCHLEGEL they could be. You don't have to reinvent the wheel.

DUNLAP Mitch we talked a little about this, and one of the first challenges for the new MPO will be to select a method of determining who the chair is and obviously with the 14 of us here out of 19 people we can probably control that, but that would happen at the first meeting. Probably the first or second agenda item, beyond that then we could set up the committee on bylaws if you would like. I don't see a problem with that.

MITCHELL what you are doing then is selecting a chairman before the bylaws are written.

DUNLAP that is right. Because somebody has got to run the meeting because we won't have the bylaws before the meeting at least I don't think we will. We won't have adopted them anyway certainly. That is kind of the way I envisioned the way it would happen that is that we would convene the Meeting on March 10th and the first item would be to select a method of determining who the chairman is. It might be the chairman of the MAPC. Our next chairman could certainly handle it, or it might be some other method of selecting it.

BISHOP would the proper term perhaps be acting chairman?

DUNLAP for that meeting? Yes. I don't think that is something we can determine today because it has to include these new members.

MITCHELL one other point, there is a difference in that we will have one ex-official member, which we have not had before.

BISHOP I have a question for education purposes #7 and #8 refers to agreements that have to be redrafted or entered into, could you educate me about what type of agreements those are. Are those like the TIP and others, what does that exactly refer too?

MEHTA #7 the Wichita Area MPO shall enter into agreements with Federal, State, and other local unites of government to carryout the process. When we are recipients of Federal funds there are conditions under which those funds are being programmed. It could be agreement at that level; annually you have the annual Unified Planning Work Program. You usually delegate that authority to sign off on your behalf to the Director of Planning. There could be any number of contractual arrangements when we get special federal earmarks. You also have a standing agreement with KDOT directly so I think that is what it implies. That is #7.

BISHOP those are things generally that are signed by the chairman of the MPO who in the past has always been the chairman of the Planning Commission, but isn't that how they are agreed too?

MEHTA correct, put it is always a part of your motion in a public meeting. Now there are some agreements that you have delegated the director to sign off on your behalf and those aren't your additional federal funding kind of projects, they are so significant. Just to keep things moving there are several other documents that the director certifies on your behalf. When we send information over to KDOT.

On Item #8, it is further understood that the planning boundary and the agreement and all contracts entered into under the provisions of the agreement shall be binding upon the secretary of KDOT, Wichita and Sedgwick County. If you have a document that is signed off by this body and there are contracts associated with it then the other parent organizations are bound to accept your decision as far as that contract is concerned and this contract as well.

BISHOP but it continues to be true does it not that the decisions, funding decisions made by the MPO are final?

MEHTA yes.

DUNLAP the new organization we have not discussed this obviously but I envisioned it being a sequential meeting just as we are having today. Is that what you see?

MEHTA good question, there are times when under the existing arrangement you are here every other week for the most part. You may not necessary have an MPO agenda item every time you are meeting here as a planning commission. I think as busy as we are now with a lot of projects and programs going on, chances are we are meeting here as the MPO every time you are meeting as a Planning Commission anyway. It is a question of scheduling a time slot. Either start earlier or start at 1:30, however it works out but we will be here every time.

DUNLAP a full volunteer situation and may not have with the new members. I do not want to have to ask these people to come to another meeting.

MEHTA if we don't have an agenda item, then we should know about that at least two to three weeks in advance.

DUNALP if we do can we adjust the MAPC agenda so that we don't have a 9:00 p.m. end time?

SCHLEGEL all those things are under you control in setting up the bylaws. You will make the decisions about when this newly formulated MPO will meet.

MCKAY that was my question we don't get paid for this.

DUNLAP there is no action necessary on this item it was informational.

3. Transportation Improvement Program (TIP); Workshop on proposed funding adjustments and set date for final review and Public Hearing, presentation by Jamsheed Mehta.

Amendment to the Transportation Improvement Program (TIP) 2004-2008.

The TIP is a fiscally constrained document that lists all federal, state, and regionally significant transportation projects within the Wichita-Sedgwick County Metropolitan Planning Organization's planning area.

Staff is requesting review of a proposed amendment to the TIP 2004-2008. This amendment will recognize changes in current project schedules. Furthermore, the Kansas Department of Transportation (KDOT) has identified \$12.5 million in additional federal transportation funds for the Wichita Metropolitan Planning Area. This amendment is an opportunity for project sponsors to apply for a maximum allowable share of federal funds (80 percent of the total construction cost) for local projects using STP, CMAQ and Bridge category funds.

The MAPD solicited project revision applications from all cities with projects in the current TIP. Nineteen project changes have been received; seventeen from the City of Wichita, and one each from the City of Andover, and the City of Colwich. The changes proposed are:

- Shift in the federal fiscal year and increase in federal share: 6 projects.
- Shift in the federal fiscal year and decrease in federal share: 2 projects.
- Increase in the total construction cost: 9 projects.
- Shift in the federal fiscal year: 2 projects.

Staff is currently requesting review of the proposed amendment by the MPO and request a public comment and review period be established from February 24, 2005 to March 9, 2005. Staff will present the recommended changes for adoption at the March 10, 2005 MPO meeting. The Technical Advisory Committee on Transportation Planning (TAC) will review these proposals on February 28, 2005 and their comments will be presented to the MPO at the public hearing to amend the TIP on March 10, 2005.

Recommendation:

1. Set February 24, 2005 through March 9, 2005 as the dates for the Public Comment / Review period.
2. Set the Public Hearing for March 10, 2005 for the MPO to amend the Transportation Improvement Program.

MEHTA This is the first review of the 8th amendments if it is approved by March 10th when we convene as a larger group, maybe. Here is what we are doing, back in October and December when you previously amended the TIP, we told you that we have some over-programming in that; at the end of year 2008 specifically we were nearly 12.7 million dollars in the red, we had over programmed enough. At that time we told you as time goes on if none of these projects drop out there would be a point in time when you will making a tough call as to which projects will need to be moved back into 2009, 2010. Soon after that we got word for KDOT that additional federal fund were available. Things happen in strange and mysterious ways, but we will take what we get. There is 12.5 million dollars of additional funds that you were not aware of, that we were not aware of back in October and December when you did those previous TIP adjustments. So having realized we have additional monies, we solicited applications from all the sponsors of projects that are in your TIP for these three categories of funds STP, CMAQ, and bridge funds. We asked them to re-exam their list of projects that are already in the TIP, we did not ask for additional new projects, these are existing projects needing more money for either the cost went up; the cost goes up usually that additional burden is paid by the local share. Well now that we have additional federal funds they don't need to do that. Sometimes they are not maximizing on the 80% max that the federal share can provide for the construction cost, maybe it was 50 or 60% previously, now they can raise it up to the max that they can absolutely take. All projects combined, we have received request for 8 1/2 million dollars of project cost increase. If you approve their requests as presented we will be better off at the end off each of the fiscal years as compared to about two months ago. Here is a graphic that sort of summarizes it. The year of 2008, we have about 8 1/5 million dollars of total red funds or negative funds. Better than the 12.7 you were at from a few months ago because of these additional funds. We can go down the list or I can highlight to you what was provided to you.

DUNLAP I think they can see the ones that that have been added, we are obviously doing some of it retroactively. Murdock Street Bridge is getting money and it is in 2003.

MEHTA correct. The project stalled, they have some additional needs, there was an accident, I am not sure that is the reason for it; there are some additional funds they need and plus many others. It varies, there are some projects that do not need additional funds and those are marked with zero on the right hand column, which is the change in federal share just so that you understand how this spreadsheet works. You can compare to the current federal share that is in the first column on your left, the math works out for most of them except I will draw you attention to Project #7, where I have the corrected version on my presentation on the screen. The version you have has a negative 400 it shouldn't be. It should be positive 1.7 additional million dollars requested.

DUNLAP our challenge today is to set a public comment period and then a public hearing?

MEHTA that is correct. You review these, have any questions or comments at this stage, you set the public comment period beginning today terminating just before you have your public hearing on March 10th. And in the interim we will also take it to the Technical Advisory Committee because they have yet to see what the projects look like. Usually we go to them before we come to you before the first round but we are in a time crunch. As of March 10th and basically as of March 16th there will be no more amendments to this TIP. The reason being the Long Range Transportation Plan will have lapsed its 5-year life. Which means you cannot make any more changes to the TIP document. What's in it and what is approved on March 10th will be fine as is, all the projects can proceed, get designed, get built, we cannot add or change any of the priorities in the TIP from that point on.

MCKAY Jamsheed it has been 5 or 6 months ago whenever it was when we had a list and we had been dealing with Bel Aire and surrounding cities and there was some controversy on what they thought was there, and what was thought to be in there, is that involved in this?

MEHTA the City of Bel Aire did not need additional funds. Their project is in the TIP on your sheet.

MCKAY my question is they had more than one, and had two or three more are they going to come back with those and say give us another shot at that?

MEHTA they have not presented those projects again to us. We specifically requested that we focus only on projects in the existing approved TIP.

DUNLAP any other question for Jamsheed? We need a motion to establish a public comment period and to also set the public hearing date.

MCKAY so moved

DUNLAP moved and seconded. Those are the dates we are looking at. Comment period begins February 24th ends March 9. Public Hearing is March 10th. All in favor signify by saying aye, any opposed.

MOTION: To establish a public comment period and to also set the public hearing date.
Comment period to begin 24th ends March 9. Public Hearing is March 10th

MCKAY motion, **MITCHELL** seconded, the motion and it carried (11-0)

4. Introduction of Long Range Transportation Plan (LRTP) consultant team and plan development overview, presentation by Jamsheed Mehta and James Tobaben (Parsons Brinkerhoff).

The MPO's Long Range Transportation Plan is being updated with the assistance of Parsons Brinkerhoff (PB). The update process will result in a new Long-Range Plan ready for adoption by the MPO in August 2005.

MEHTA planning staff providing introduction of projects and overview. We have deviated from our past practice and hired a consultant for the first time to help complete the Transportation Plan Update. With as many projects that are ongoing we can sure use help and we went through the process of selecting consultants. The team we have includes the firm of Parsons Brinkerhoff, which is based in Wichita and Jim Tobaben who is the lead manager on this project is from the Lenexa office. They also have on board the company TranSystems, again a local firm but also having some folks on the team from the Kansas City and the Chicago and Indianapolis Office. Jane Mobley Associates a third one, I think Jim is also going to cover a little bit on that but they are the experts on the public involvement component of the plan development process. What is different this time compared to 5 years ago, this is a stand-alone document. Previously it was part of the Comprehensive Plan with a transportation element. Now this is a stand-alone MPO Transportation Plan that covers a larger region and not part of that Comprehensive Plan except by reference. We will provide an update every time you meet as an MPO policy body while the update process continues regardless of whether the consultants are here on that day or not. There are some specific days and events when the consultants will be here and we will give you an update every two weeks or as often as you meet as an MPO. They will be here again on March 24th and I think Jim is going to cover what we are going to do, but that is go get your view and suggestions. They will again be back in May and June to keep you abreast with findings and to take your guidance at key points in the plan development process. Introduction of Jim Tobaben, Parsons Brinkerhoff, Lenexa office, he was here before but wore a different hat, at that time he was Bureau Chief of Planning at KDOT. So he has some inside track with our state transportation stakeholders.

JIM TOBABEN Parsons Brinkerhoff. Thank you for giving us some time to talk about the Long Range Plan Update, that's really what we are here to do today, to give you an overview, talk a little bit about what your roll will be in the overall process. As Jamsheed mentioned the Long Range Plan is a requirement in the federal statutes. MPOs must adopt a plan that covers and looks ahead at least 20 years, that update cycle is usually every 5-years. It is not developed in a vacuum. We are going to get input from regional transportation stakeholders, the cities, the counties, the public, special interest groups that we will be talking to like bicycle pedestrian folk, Paratransit, Transit providers. It will be a multi-model study, so even though the predominant form of transportation is obviously the automobile we are going to look at other modes of transportation as well. The plan will be physically constrained. We are going to get an estimate of the funding available to the MPO over the next 20 to 25 years and help develop a plan the will help to spend the money wisely.

Now just to talk about how the whole process is organized and which players are playing different roles. Starting out with the MPO obviously you are providing the overall guidance to this effort. We are going to meet with you periodically, our plan is to come back a month from now on March 24th and get some feedback and some ideals from you of the goals and objectives of the plan. We will come back and give you a summary of what we have learned through the first round of public meetings as well as some stakeholder's interviews. We will give you some ideas of some of the other ideas that are floating around the region. Obviously you can't be involved on the day-to-day activity so Jamsheed and some staff as well as members from KDOT, Wichita Transit, Federal Highway Administration and even Federal Transit Administration will be involved in what we are calling the LRTP Update Team. That is kind of a staff level, day-to-day type of question and answer that will go on as we develop the plan. Since this is a cooperative plan we are looking for a little larger group that we can bounce some ideas off of. That will be the Advisor Committee. And what we are proposing is that that committee be made up mainly of the TAC, MPO as well as some additional stakeholders that will provide opportunity for all the cities and counties to come in and have a voice and hear what is going on as well as different transportation providers from around the region. We will meet with the Advisory Committee about once a month for about the first 5 months of the process and allow them to give input and feedback to the process. Jamsheed mentioned the consultant team, PB is the prime consultants and we have two-sub consultant, TranSystems Corporation and Jane Mobely Associates. I will talk a little more about their role as we go along today. It is important that the public and other stakeholders be involved.

Just to talk about some key elements, in addition to looking at congestion on our streets within the region, we are going to look at other modes of transportation, rail, not only the movement of people but also the movement of goods and freight throughout the region. We take a look at the trails, the pedestrian bicycle paths in the area and we will certainly take a look at public transportation and paratransit issues. Environmental Justice is a key part of this, and what that means is that we are reaching out to everyone within the region and making sure that everyone is involved especially the minority population and the low income population. The plan is really to serve all people in the region and we want to make sure that we give everybody the opportunity to be involved.

Some of the big pieces that are going to happen, obviously we need to identify the regional transportation issues and we are looking at this point at a higher level view, maybe congestion as a topic, not necessarily congestion on a certain street at this point. We are going to develop goals and objectives and we will pass out something in a little while which, are the goals and objectives from the current plan. We really want to use that as a starting point and let you take a look at that over the next month. We are going to do some work on congestion management system, travel demand model (turn tape over). Taking a look at the information that is currently available, starting out looking at the current plan, looking at the current goals and objectives. Having the initial public involvement meetings, doing those interview with the stakeholders, basically gathering information at this point. The drafting of the LRTP, or the Long Range Plan that is a broad topic, that is a high level view, but we are starting to draw in some of the issues, we are starting to draw some of the input we are getting and combining that. Ultimately we will come to you with a draft recommended plan that will be in mid June we will go out for a review period and comment period of at least 14-days, hopefully we are going to shoot for a little longer than that. That will be a public comment period and at the end of that we will take what we have learned through the comment periods revise the final report and bring that to you with a plan that the MPO will adopt the new Long Range Plan sometime in August.

Looking down at the bottom of the chart we are talking about some of the meetings we are having with the MPO. The first meeting listed is today's meeting in March I mentioned the 24th we will be coming to you, sometime in May we will be coming back to tell you some of what we have learned, some of the alternatives that we are looking at. To give you a little better feel of how the project is going at that time. We have a meeting schedule in July, we will bring you the results from the comment period so you will know what others are saying about the plan and you have that information in hand before you move to adopt it. Again I mention that we will have at least five meetings with the Advisory Committee and we will have three rounds of public meetings, the first happening in Mid March to introduce the project and get initial reaction from the public, and comments. Second, in April-May time period we will go back again with some of the finding and get some of their feelings. Then we will have a third round of public meeting to present the draft plan and to kick off that review that review period.

Identify Issues, this is a list that some of the stakeholders who we will be contacting, we have talked about that already. Some of the other stakeholders could be like the Kansas Turnpike Authority it could be special interest groups in the area. We will be talking to a lot of people in the region during the course of this study. There has been a lot of other work done that we are going to take a look at the Visioneering Wichita report and a number of other plans and studies that have a transportation component and we will be picking those parts out of those studies seeing where it is appropriate to draw that information into the Long Range Plan.

Public Involvement, stakeholders involvement is a very key portion of the project we will have interview that will take place March 16th and 17th. That will be a chance for some of the cities, counties and other stakeholders to come in and have a face to face meeting with us, we can sit and talk about what the issues are, what they see that effects the region. Will be preparing a web site we hope to have that up and available in early March and it will be a means for people to go to get information about the project and the progress, it will provide information in showing them how they can be involved. We will be preparing newsletters three times during the course of the project to provide an update to the public and we will develop a mailing list. I have already mentioned the public meetings, we will get information to the newspapers and at the public meeting we will provide interpreters or translation services where that is needed.

Goals and Objectives, Nancy is going to hand out the current goals and objective from the current plan. That is going to be a starting point. If you have the opportunity from now thru March 24th please take a look at those and give them some thought are they still current, are they goals and objective that we want to maintain. Is there something missing, we are looking for your thoughts on that and we will have a discussion on that a month from today. We will also take these out to the public and stakeholders to get their feedback.

I mention the Congestion Management System you all have recently approved a policy on congestion management. One of the things we are going to be providing is what we call a CMS Tool Box. No one has enough funding to satisfy every need that is out there so we going to identify areas of congestion but what the tool box will provide are some of the things we can do short of widening a roadway or adding a lane. There are some different strategies we maybe can employ in certain situations. We are going to prepare that so that is something you will be able to use in the future. The needs assessment is again identifying those areas that are congested and the results from the Congestion Management System will feed into the project selection criteria that we will discuss here in just a moment.

Travel Demand Model, the MPO staff currently has a 2002 travel demand model that covers the region, we are going to update that to take a look to the future, to take a look out to the year 2030 and the 2030 model that we are going to prepare will be looking to the future. We will be taking population projections, land use projections putting that into the model and that will give a feel of the traffic that is going to be generated and the roads that traffic is going to be using. That will help us in the LRTP development, we are also going to do a mid period model about 2015 and that will help as you all go through the next TIP update process. One of the things we are doing is converting your model from a program QRS-II into something called TransCAD. TransCAD is a nice program, a nice package it has some nice presentation portions to it where you can tie it to GIS. It will be a better tool for you all to use. Alternatives Analysis will be the point where we will say we have a given amount of money, here is some congestion projects we want to attack, what happens if we do set "A" of those projects how does that effect the overall network, verses doing a different set of projects, we will be able to analyze different alternatives for you.

Project Selection Criteria it is just a way of helping identify projects that are going to meet the goals and objective that we have developed, and we have developed for the Long Range Plan. Again it will look at all modes of transportation, it is going to be developed in consultation with other stakeholders and as I mentioned it will incorporate the results for the congestion management

system it helps on the short term and long term project development. As we are wrapping up here when we get to the final plan itself one of the pieces we are going to be developing an executive summary it will be a condensed version of the overall plan something that is a little more usable on a day-to-day basis. It will summarize the goals and objectives. It will give you the overview of the process we have gone through. It will present the issues that were identified and provide some summaries on the work that we have done. That was a very quick overview. I will like to take some time to answer any questions that you might have. As Jamsheed mentioned he will be giving you an update on a biweekly time period. Every time you meet he will give you a refresher and we will be back several times during the course of the study to talk with you also. At this point I would like to open the floor.

DUNLAP, any questions?

SCHLEGEL you were showing a schedule earlier Jim, are all those dates set yet? Are you ready to publish this schedule of those meeting dates?

TOBABEN and we will, the only dates that are set so far is the first round of public meeting those will be held March 15th and 16th, during the evenings, and during the day on the 16th and 17th is when we will have the stakeholders interviews. So we are combining all that into one trip to Wichita. Those are established now, the Advisory Committee dates are established, we are going to follow the TAC Committees normal meetings dates. We have pretty well tied down for the LRTP Update team; we will be some conference calls and some inface meetings with that group. It is only the 1st round of public meeting where we have dates set, the second and third rounds are just general time periods but we will be nailing that down shortly.

HENTZEN let me ask you, you are with the Kansas Department of Transportation?

TOBABEN I was.

HENTZEN you were.

TOBABEN up until September I was with KDOT, since then I have been with Parson Brinkerhoff.

HENTZEN is KDOT, are they dealing with federal money or state money?

TOBABEN it is a mixture of both. They do get significant portion of other funds from the federal programs, the Federal Department of Transportation, the Federal Highway and Transit but there is also a state funded program that is aimed at transportation.

HENTZEN do you think that the tax on gasoline is adequate displayed to these different projects; in other words if we use a lot of gas which means there is tax on it per gallon. Who is getting that money and who is distributing it?

TOBABEN the gasoline tax is certainly a portion or one part of the funds that comes into the state DOT and the rolls into their programs. Some of that money is distributed back out to the locals and some of it is used on the state highway systems. KDOT, I am familiar with a number of state DOT's and KDOT does a very good job of sharing a lot of the money that they bring in. Other state DOT's tend to want to hang on to more of the federal funds and not pass them on to the cities and counties. KDOT does a good job of sharing.

DUNLAP No other questions, Jim, thank you very much, we will look forward to your continued reports.

TOBABEN thank you. I will see you in a month.

MEHTA just to quickly announce the first meeting of the Advisory Committee is a group of nearly 30 some individuals representing almost all the cities around Wichita, County and other stakeholders is next week, Monday and it starts at 1:30. We have already visited with you Mr. Chairman and your preference was that we ask to see if there were others who might be interested in serving, your recommendation was Mr. Ron Marnell, and he has accepted to serve as your MPO liaison and chair for that Advisory Committee. Just so that the group knows the Advisory Committee is not on its own, and it is still steered by the MPO.

DUNLAP thank you Ron we appreciate that, we changed that from 5 to 34 meetings. Is that the extent of item #4 Jamsheed?

MEHTA that it is. The next time you visit, on the 10th we will give you an update of what we have done so far and what the next steps are and if we have new dates to announce to you so you can put them on your calendar we will do that on the 10th the next time you meet. Definitely on the 24th of March, one month from now the consultant and their team will be here and that is where you want to give them the feedback. You have done something quite comparable to it when you did the Visioneering exercise and here is your chance to focus on transportation on its own.

DUNLAP for those of us who were on the Planning Commission and MPO the last time we went through this the addition of a consultant certainly helped. We appreciate that. If there is no other business to come before the MPO we will, I should ask is there any other business to come before the MPO? Seeing none we will officially close the meeting of the MPO.

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- ❖ **PLANNING COMMISSION ITEMS**
5. Approval of January 27, 2005, and February 10, 2005 meeting minutes.

MOTION: Approval of January 27, 2005 meeting minutes.

DUNLAP moved, **HENTZEN** seconded the motion, and it carried (11-0).

MOTION: Approval of February 10, 2005 meeting minutes as corrected by Commissioner Mitchell.

MCKAY moved, **WARREN** seconded the motion, and it carried (10-0-1) **GIBBS** abstained as he was not present at the meeting.

❖ **SUBDIVISION ITEMS**

6. Consideration of Subdivision Committee recommendations

6-1. **SUB2004-133 – Final Plat – KILLARNEY PLAZA EAST ADDITION, located north of 29th Street North and west of Rock Road.**

NOTE: This is a revised replat of the Prairie Crossing Addition – a Lot Bundling development. This replat eliminates all 13 bundles and vacates contingent street dedications. The plat is in an area designated as “2030 Urban Service Area” by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Goddard Area of Influence.

STAFF COMMENTS:

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. The Applicant proposes alternative on-site sewer systems. **A memorandum shall be obtained specifying approval of the proposed individual alternative sewer system from County Code Enforcement along with a maintenance agreement.**
- B. The site is currently located within the Rural Water District No. 4. If service is available, feasible and the property is eligible for service, **County Code Enforcement** recommends connection.
- C. Petitions have been provided with Prairie Crossing Addition for future sewer and water improvements. **City Water and Sewer Department** has requested new guarantees.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. **County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage easement is needed across Lot 3, Block 2. The plat's text should specify drainage as a use of Reserves A and B.**
- F. Per **Sedgwick County Fire Department**, applicant needs to meet standards for Sedgwick County Service Drive Code.
- G. A petition was submitted for the installation of Reece Road with the Prairie Crossing Addition. **County Public Works** has requested a new petition to reflect the revised lot configuration.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. **GIS** requests labeling Road as Rd.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.

- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MITCHELL moved, **MARNELL** seconded the motion, and it carried (11-0).

6-2. SUB2004-143 – Revised One-Step Final Plat – PRAIRIE CROSSING SECOND ADDITION, located on the south side of Central and west of 151st Street West.

NOTE: This is a revised replat of the Prairie Crossing Addition – a Lot Bundling development. This replat eliminates all 13 bundles and vacates contingent street dedications. The plat is in an area designated as "2030 Urban Service Area" by the Wichita-Sedgwick County Comprehensive Plan. It is located in the Goddard Area of Influence.

STAFF COMMENTS:

- A. Since sanitary sewer is unavailable to serve this property, the applicant shall contact County Code Enforcement to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval. The Applicant proposes alternative on-site sewer systems. **A memorandum shall be obtained specifying approval of the proposed individual alternative sewer system from County Code Enforcement along with a maintenance agreement.**
- B. The site is currently located within the Rural Water District No. 4. If service is available, feasible and the property is eligible for service, County Code Enforcement recommends connection.
- C. Petitions have been provided with Prairie Crossing Addition for future sewer and water improvements. City Water and Sewer Department has requested new guarantees.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. County Engineering needs to comment on the status of the applicant's drainage plan. **A drainage easement is needed across Lot 3, Block 2. The plat's text should specify drainage as a use of Reserves A and B.**
- F. Per Sedgwick County Fire Department, applicant needs to meet standards for Sedgwick County Service Drive Code.
- G. A petition was submitted for the installation of Reece Road with the Prairie Crossing Addition. County Public Works has requested a new petition to reflect the revised lot configuration.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. GIS requests labeling Road as Rd.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate

agencies to determine any such requirements.

- O. The owner of the subdivision should be aware of the fact that the development of any subdivision greater than five (5) acres in size may require an NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Further, on all construction sites, the City of Wichita requires that best management practices be used to reduce pollutant loadings in storm water runoffs.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a disk shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD. This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MITCHELL moved, **MARNELL** seconded the motion, and it carried (11-0).

6-3. SUB2005-14 – One-Step Final Plat – MOLITOR ADDITION, located north of 29th Street North and west of Hydraulic.

NOTE: This is an unplatted site located within the City.

STAFF COMMENTS:

- A. Municipal services are available to serve the site. Fees in lieu of assessment regarding sewer lateral connections are required; or in the alternative a petition may be provided for extension of sewer.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. Drainage improvements may be included as part of site development.
- D. The reference to "film 1020 page 520" on the face of the plat does not match "film 1020, page 524" in the legal description in the plat's text.
- E. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- F. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- G. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- H. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- I. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- J. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- K. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- L. Perimeter closure computations shall be submitted with the final plat tracing.
- M. Recording of the plat within 30 days after approval by the City Council and/or County Commission.

- N. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- O. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MITCHELL moved, **MARNELL** seconded the motion, and it carried (11-0).

6-4. SUB2005-15 – One-Step Final Plat – M A A ADDITION, located east of Broadway and on the south side of 43rd Street South.

NOTE: This is an unplatted site located within the City. The site has been approved for a zone change (ZON 2004-24) from SF-5, Single-Family Residential and LC, Limited Commercial to LI, Limited Industrial. A Protective Overlay (P-O #142) was also approved for this site addressing screening and lighting. The site is located within the 100-year floodplain.

STAFF COMMENTS:

- A. Sanitary sewer services are available to serve the site. The applicant shall guarantee the extension of City water to serve the site. Fees in lieu of assessment are needed to connect to sewer services.
- B. A sewer easement needs to be denoted that was established by separate instrument along the south line of the plat. The recording information should be shown.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. A drainage easement is needed. A minimum pad needs to be platted.
- E. The Applicant is advised to contact Riverside Drainage District concerning drainage to Riverside drainage canal (Roscoe Sanborn, Riverside Drainage District, 130 W. 45th South, Wichita, KS 67216, 524-6135).
- F. Traffic/City Engineering needs to comment on the need for any improvements to perimeter streets. The applicant shall provide a guarantee for the paving of 43rd St. South to industrial street standards.
- G. Traffic Engineering requests complete access control along Broadway. The final plat shall reference the dedication of access controls in the plat's text.
- H. Traffic Engineering needs to comment on the need for additional right-of-way along Broadway. The Subdivision Regulations require a 60-ft half-street right-of-way width along urban arterials. The 50-ft street right-of-way is approved.
- I. City Fire Department and City Engineering requests a turnaround for Santa Fe and 43rd St. South.
- J. This property is within a zone identified by the City Engineers' office as likely to have groundwater at some or all times within 10 feet of the ground surface elevation. Building with specially engineered foundations or with the lowest floor opening above groundwater is recommended, and owners seeking building permits on this property will be similarly advised. More detailed information on recorded groundwater elevations in the vicinity of this property is available in the City Engineers' office.
- K. The legal description should reference "Twp 28-S".
- L. A PO Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved PO and its special conditions for development on this property.
- M. The MAPC signature block needs to reference "Morris K. Dunlap, Chair".
- N. The signature line for the City Clerk needs to be revised to reference "Karen Sublett".
- O. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- P. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- Q. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)

- R. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- S. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- T. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- U. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- V. Perimeter closure computations shall be submitted with the final plat tracing.
- W. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- X. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Y. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MITCHELL moved, **MARNELL** seconded the motion, and it carried (11-0).

6-5. SUB2005-11 – One-Step Final Plat – WEST 162nd ADDITION, located east of 167th Street West and south of Maple.

NOTE: This site is located in the County adjoining Wichita's city limits and annexation is required. The site is currently zoned SF-20, Single-Family residential and will be converted to SF-5, Single-Family Residential upon annexation.

STAFF COMMENTS:

- A. As this site is adjacent to Wichita's City limits, the Applicant shall submit a request for annexation. Upon annexation, the property will be zoned SF-5, Single-Family Residential.
- B. Since sanitary sewer is unavailable to serve this property, the applicant shall contact **City Environmental Health Department** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage facilities. A memorandum shall be obtained specifying approval.
- C. The site is currently located within the Sedgwick County Rural Water District No. 4. If service is available, feasible and the property is eligible for service, **City Environmental Health Department** recommends connection.
- D. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer and City water services.
- E. **City Water and Sewer Department** requests a 10-ft utility easement along the west and south line of the plat. A 10-ft water easement is needed adjoining the north line of the south 10-ft utility easement.
- F. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- G. **City/County Engineering** needs to comment on the status of the applicant's drainage plan. **A drainage plan has been provided. Drainage easements may be required based on review of the drainage plan. Minimum pad elevations may be required.**
- H. **City Environmental Health Department** requests the applicant locate and mark the sewage system currently on the property.
- I. **County Engineering** has requested the dedication of an additional 5 feet of half street right-of-way for 162nd St. West.
- J. The applicant is reminded that this site will be heard by City Council. Therefore, the City Council signature block needs to be included on the final plat.

- K. In the title block and in the plat's text "Wichita" needs to be added.
- L. A Block shall be designated on the face of the plat as referenced in the plat's text.
- M. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- N. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- W. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MITCHELL moved, **MARNELL** seconded the motion, and it carried (11-0).

6-6. **SUB2005-13 – One-Step Final Plat – SHADY RIDGE SECOND ADDITION, located south of Central and east of Ridge Road.**

NOTE: This is a replat of a portion of the Shady Ridge Addition and is subject to the Farmington Square Community Unit Plan (DP-59).

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of sanitary sewer and City water to serve Lot 2.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. A drainage easement is needed along north line of Lot 2.
- E. The applicant should more precisely define boundaries of drainage and utility easements where they intersect with utility easements.
- F. On the final plat the 5' utility easement and location needs to be labeled.

- G. An access easement through Lot 1 is needed for the benefit of Lot 2.
- H. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- R. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MITCHELL moved, **MARNELL** seconded the motion, and it carried (11-0).

6-7. SUB2005-04 – (Associated with ZON2005-01)- One-Step Final Plat – SAVE-A-LOT ADDITION, located west of Hillside and on the north side of 13th Street North.

NOTE: This is a replat of the Hays and Bell Addition and a portion of Marsh's Addition. The Applicant proposes a zone change (ZON 2005-01) from TF-3, Two-Family Residential to LC, Limited Commercial for the north portion of the site. This plat also includes the vacation of an alley.

STAFF COMMENTS:

- A. This plat will be subject to approval of the associated zone change and any related conditions of such a change. Prior to this plat being considered by MAPC, the zone change will need to be approved.
- B. The applicant shall guarantee the abandonment of the sewer line and improvements to the water main.
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage plan. The drainage plan is approved. Improvements will be needed at time of development.
- E. Traffic Engineering needs to comment on the access controls. The plat proposes one access opening along 13th St. North.

The access controls are approved. Access control except one opening needs to be platted along Grove.

- F. **Traffic Engineering** needs to comment on the need for additional right-of-way along 13th St. to conform with the 60-ft half-street right-of-way required by the Access Management Regulations. **The proposed 50-ft street right-of-way along 13th St. North is approved.**
- G. Poplar street needs to be labeled correctly.
- H. 13th St. N should be labeled correctly.
- I. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- J. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- K. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- L. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- M. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- N. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- O. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- P. Perimeter closure computations shall be submitted with the final plat tracing.
- Q. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- R. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- S. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

NEIL STRAHL When this was approved by Subdivision Committee the two major issues were right-of-way and access. The applicant has proposed a 50 foot right-of-way along 13th Street that has been approved by Traffic Engineering. Access control there was one opening along 13th Street that was also approved by Traffic Engineering. They also requested access control platted along Grove since that is classified as an arterial on the 2030 plan. There will be one opening allowed on Grove.

MOTION: Approve per Subdivision Committee and staff recommendations.

JOHNSON moved, **BISHOP** seconded the motion, and it carried (11-0).

6-8. DED2005-01 Dedication of Access Control and DED2005-02: Contingent Dedication of a Sidewalk and Utility Easement, for property located east of Greenwich Road and on the south side of Central.

- A) **DED 2005-01: Dedication of access control along Central Avenue, and B) DED 2005-02: Contingent Dedication of a ten-foot sidewalk and utility easement for property located east of Greenwich Road and on the south side of Central Avenue.**

LEGAL DESCRIPTIONS:

- a) The east 135 feet of Lot 1, Block A, New Life Christian Church Addition (except Ellson Court Addition), Wichita, Sedgwick County, Kansas.
- b) Lot 1, Block A, New Life Christian Church Addition (except Ellson Court), Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATIONS: These dedications are associated with a lot split case (SUB 2003-140) and are being dedicated for: a) access control along Central Avenue; and b) construction and maintenance of a sidewalk and public utilities contingent upon the future widening of Central Avenue.

AGENT/SURVEYOR: MKEC Engineering Consultants, Inc., 411 N. Webb Road, Wichita, KS 67206 KS 67202

STAFF RECOMMENDATION: Accept the Dedications.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MITCHELL moved, **MARNELL** seconded the motion, and it carried (11-0).

❖ **PUBLIC HEARINGS – VACATION ITEM**

7-1. **VAC2005-02 – Request to Vacate Street Right-of-Way, located on Third Street between Pennsylvania and Hydraulic.**

APPLICANTS: USD 259 c/o Joe Hoover

LEGAL DESCRIPTION: Generally described as that portion of 3rd Street that is between Pennsylvania Avenue and Hydraulic Avenue, Wichita, Sedgwick County, Kansas

LOCATION: Generally located on the west side of Hydraulic Avenue and one block south of Central Avenue (Council District I)

REASON FOR REQUEST: Revert to school uses

CURRENT ZONING: The site is public right-of-way. The abutting properties are zoned “B” Multi-family residential

The applicant is requesting vacation of the developed portion of 3rd Street as previously described. The 70-foot (x) 270.07-feet of right-of-way (ROW) intersects Pennsylvania Avenue on its West side and Hydraulic Avenue on its east side. The applicant owns the abutting northern and southern properties. The northern, unplatted tract contains the Washington Elementary School and southern, Lots 47 & 48, Mathewson's 4th Addition, a parking lot and what was single-family use. There is a platted alley that intersects the south side of 3rd Street. Vacating this portion of 3rd Street would create a dead end on the north side of this alley. There is a sewer line and manholes in the alley. There are water lines in the 3rd Street ROW. Sewer lines and manholes appear to be out of the 3rd Street ROW. There are franchised utilities in the ROW. This portion of the 3rd Street ROW was dedicated on the Mathewson's 4th Addition, which was recorded with the Register of Deeds August 2, 1886.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the 3rd Street ROW, as described with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
 1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time February 3, 2005 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted street ROW and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the portion of the platted 3rd Street ROW described in the petition should be approved with conditions:
 - (1) Provide/dedicate public access from the platted north-south alley, located south of 3rd Street, to public right-of-way across the USD 259 property to either Hydraulic Avenue or Pennsylvania Avenue, per the recommendation of the Traffic Engineer.
 - (2) Retain the vacated 3rd Street ROW as a utility easement where public or franchised utilities are located or retain the whole vacated ROW as a utility easement. Provide a metes and bounds description of that portion of the vacated ROW retain as a utility easement, if the whole vacated ROW is not retained as a utility easement. An FYI for USD 259, the Water and Sewer Department is going to replace the water lines in the 3rd Street ROW in the near future.
 - (3) Retain the east 30-feet of the 3rd Street ROW.
 - (4) The brick paving on 3rd Street will be retained and returned to the City.

- (5) Provide staff with a restrictive covenant tying and binding the vacated portion of the platted 3rd Street ROW to the USD's northern and southern properties.
- (6) Provide a guarantee for closure of the return(s) and continuation of the curbs.
- (7) If needed, provide dedication of complete access control, as recommended by the Traffic Engineer.
- (8) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (9) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (10) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County or franchised utilities and recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Provide Staff with dedication of public access from the platted north-south alley, located south 3rd Street, to public right-of-way across the USD 259 property to either Hydraulic Avenue or Pennsylvania Avenue, per the recommendation of the Traffic Engineer.
- (2) Retain the vacated 3rd Street ROW as a utility easement where public or franchised utilities are located or retain the whole vacated ROW as a utility easement. Provide a metes and bounds description of that portion of the vacated ROW retained as a utility easement, if the whole vacated ROW is not retained as a utility easement. An FYI for USD 259, the Water and Sewer Department is going to replace the water lines in the ROW in the near future.
- (3) Retain the east 30-feet of the 3rd Street ROW.
- (4) The brick paving on 3rd Street will be retained and returned to the City.
- (5) Provide Staff with a restrictive covenant tying and binding the vacated portion of the platted 3rd Street ROW to the USD's northern and southern properties.
- (6) Provide a guarantee for closure of the return(s) and continuation of the curbs.
- (7) If needed, provide dedication of complete access control, as recommended by the Traffic Engineer.
- (8) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (9) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (10) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County or franchised utilities and recorded with the Register of Deeds.

DUNLAP Anyone in the public to speak on this Item? Seeing none we can take this Item consent.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MITCHELL moved, **MARNELL** seconded the motion, and it carried (11-0).

❖ **PUBLIC HEARINGS – ZONING ITEMS**

8. **Case No.: ZON2005-01** – Power CDC Development Corp. Inc., James Arbertha (applicant) MKEC, Greg Allison (agent) Request Zone change from “TF-3” Two-family Residential to “LC” Limited Commercial on property described as;

Lots 11, 13, 15, 17, 19, 14, 16, 18 and 20, of Marsh's Replat of Getto's Second Addition, an Addition to Wichita, Sedgwick County, Kansas. Generally located On the northeast corner of 13th Street North and Grove Avenue.

BACKGROUND: The applicant requests LC Limited Commercial zoning on a .62-acre site, currently zoned TF-3 Two-family. The proposed use is a grocery store on a redeveloped corner site, north of 13th Street, and between Grove and Poplar. The southern 16 feet of the application area is already zoned LC; the proposed grocery store site would include the existing LC and GC zoned lots south of the application area, giving the site access to 13th Street. North of the application area are TF-3 zoned single-family

residences and vacant lots. South of the application area, across the alley, are LC and GC properties with vacant commercial buildings. East and west of the application area are TF-3 zoned single-family residences, vacant lots, and a church parking lot.

CASE HISTORY: The application area is platted as lots 11, 13, 15, 17, 19, 14, 16, 18, and 20 of Marsh's Replat of Gett's 2nd Addition in 1909. The application area is part of the Sav-A-Lot Replat, heard by the Subdivision Committee on February 3rd, 2005.

ADJACENT ZONING AND LAND USE:

NORTH: "TF-3" Two-Family Residential	Single-family residential
SOUTH: "LC" Limited Commercial	Vacant commercial property
"GC" General Commercial	Vacant commercial buildings
EAST: "TF-3" Two-Family Residential	Single-family residential, church parking
WEST: "TF-3" Two-Family Residential	Single-family residential

PUBLIC SERVICES: Current traffic counts on this segment of 13th are 16,070 vehicles per day, and 5,655 on this segment of Grove. 13th is a four-lane, section line arterial street at this location with a 60-foot right-of-way (ROW). The 2030 Transportation Plan indicates that this section of 13th will increase to a five-lane arterial. The 2002-2011 CIP indicates that this section of Seneca will be widened to five lanes, providing a central turn lane; construction is to begin in 2010. Grove is a two-lane arterial at this location with a 60-foot ROW; the 2030 Transportation Plan indicates that it will remain a two-lane arterial. Poplar is a local residential road at this location with a 60-foot ROW, no traffic counts or plans exist for Poplar.

The requested replat for this site includes one access point from 13th; the traffic engineer has recommended one point of access from Grove. As Poplar is not an arterial, the plat is not required to specify the number of access points on that street.

All other normal public services are available at the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the application area as appropriate for "low density residential", and the south 16 feet as appropriate for "commercial", reflecting the current zoning.

The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

The Unified Zoning Code (UZC) would require compatibility setbacks between non-residential and residential development, as well as a screening requirement from residential zoning and uses. Conformance with the Landscape Ordinance at this site will be required in order to develop on the site.

RECOMMENDATION: The Power CDC proposes redeveloping this site for a neighborhood serving grocery store. The proposed LC zoning would allow a range of commercial uses not permitted under the current TF-3 zoning. The proposed zone change is not in complete conformance with the Land Use Guide, but is in conformance with the recommended Commercial Locational guidelines of the Plan, as it sits at the intersection of two arterials. Potential negative effects from commercial uses at the site on the residential neighbors to the north, east and west would be mitigated by existing codes. Existing codes would require compatibility setbacks, screening, landscaping, limit noise, and prohibit certain uses within 200 feet of residences.

LC uses at the application area would increase traffic on this section of 13th. The proposed replat of this site dedicates right-of-way for the planned widening of 13th Street, and limits access points in accordance with the Access Management Policy. MAPD has not been contacted by any members of the public regarding this case.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting the site.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: This proposed zoning and land use is not out of character with nearby LC and GC zoning and uses fronting 13th Street. The proposed development would be buffered and screened from abutting residential properties.
2. The suitability of the subject property for the uses to which it has been restricted: The property could be developed with single or two-family residential units as currently zoned. However, the proposed neighborhood grocery store requires the application area in order to have enough space.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Rezoning and commercial development could have negative effects on the single-family residences north, east and west of the application area. Existing codes would require compatibility setbacks, screening, landscaping, limit noise, and prohibit certain uses within 200 feet of residences.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the majority of this area as appropriate for "low density residential" development, which is not in conformance with the application. The proposed development is in accordance with the commercial locational guidelines of the plan.
5. Impact of the proposed development on community facilities: The proposed commercial development could increase traffic at this location on 13th, Grove, and Poplar. A widening project in process will handle additional traffic on 13th. Access control dedication, as proposed in the submitted plat, will minimize traffic conflicts and accidents.

JESS MCNEELY Planning staff presented the staff report.

HENTZEN Has the DAB heard this case?

MCNEELY No, but they will on March 7th.

MITCHELL On page 2, under public services, the 5th line in the middle, I don't think Seneca is the street you want in there.

MCNEELY Thank you, I will make sure that gets changed.

HENTZEN Does this come within the jurisdiction of the 21st Street project?

MCNEELY No, it does not?

HENTZEN The people in the 21st Street project wanted some grocery stores and other things there.

DUNLAP Does it fall within the McAdams Plan?

MCNEELY No, it does not fall within any existing neighborhood plans.

CLARA PERRY, 1423 N. POPLAR I live right next to the lots where this is being built. My question is, are there any laws or guidelines in place that regulate how close a commercial business can build to a residential property?

DUNLAP We are out of sequence here by asking you to come up before the applicant because they might present a plan, but there are some screening requirements between commercial and residential that will have to be adhered to, and there are some setback requirements on buildings too.

PERRY Is there anything that will be done to prevent smells, noise, and the positioning of blowers or traffic?

GENE RATH, MKEC James Arbertha has been working with Wilson, Darnell, Mann who has been working on the site plan for the store, and they have prepared the site plan. The store building itself is on the northeast portion of the site. It is set back from Poplar at least 20 feet, and it does have parking on the west and parking on the south. I believe the plan shows a trash container at the far eastern corner of the property, and I think the other utilities may be on the northwest corner of the property. The site would meet all of the city's building plan requirements.

BISHOP Could you point out where the truck traffic and loading docks will be located on the site plan.

RATH I think the truck loading dock is on the east side of the property.

BISHOP Is that along Poplar?

RATH Yes it is.

BISHOP There is only a 20-foot setback there?

RATH There is an existing 20-foot building setback but the building is going to be set farther than 20 feet back.

SHERMAN Is that required to have a fence?

RATH Yes.

DUNLAP We will ask Jess to address that in a moment.

BISHOP The reason I was asking about the loading dock and so forth is that page three of the staff report says "The Commercial Locational Guidelines of the Comprehensive Plan recommends that commercial sites be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity adversely impacting surrounding residential areas." Also the Unified Zoning Code would require compatibility setbacks between non-residential and residential developments, and what I have heard sounds good, which is that the setback will be greater than what is required for a building setback.

DUNLAP Jess, could you come up and address screening requirements?

MCNEELY We just got a copy of this site plan last night for us to include in the slide show and the zone change request being that this is not a C.U.P. request, and being that there is no Protective Overlay. This zone change, whatever is developed on this property when they apply for a building permit, is going to require conformance with all of the zoning ordinance items that Commissioner Bishop just listed off. They will be required to screen between non-residential and residential zoning as per the Zoning Code. They will be required to have a calculated setback between the non-residential and residential zoning. They will be required to submit a landscape plan, which will have to be approved.

MCKAY If that is the case, are they going to put a fence down Poplar on the east side?

MCNEELY No, they are going to have a landscape requirement but they will not have a screening requirement.

MCKAY They show a fence on the north side of it, and that is residential across the street from them; is that residential?

MCNEELY The northern portion of it is residential but the southern portion is not.

MCKAY So will that be a requirement to have a fence there?

MCNEELY I believe they will have a screening requirement for any of their mechanical systems or their trash receptacle. Their parking lot screening will not be the same screening that they will have on their north property line.

MCKAY The question was asked by the citizen, the trash container is going to be on the northeast corner and that is abutting residential. The trucks will come in the northeast corner and that is residential. When they did Lowe's out west they had to come back in and amend that because they didn't require it because Maple was a thoroughfare, and it was far enough away, and they had to go back and put up a 10-12 foot fence because of all the debris and stuff blowing because of the residential that was directly across the street. I am saying if that is the case then maybe we ought to look at that during the platting process.

MILLER They will have to screen to the north. The zoning requirement requires a six-foot minimum screening fence. They will have to landscape in terms of the buffering, and they will even probably have a compatibility setback that may be 25 feet, but the lot may be big enough to require a 25-foot setback on the north. They will have to screen the loading dock and any mechanical areas.

MCNEELY However, because they are across the street from residential zoning they don't have to necessarily have to screen their entire building off.

DUNLAP I would recommend that Mr. Arbertha contact Clara Perry.

MITCHELL The last sentence under recommendation says existing codes would require compatibility setbacks, screening, etc., it would appear to me that the items shown on the proposed site plan don't comply with that, and I don't want us to pass this today with somebody having the assumption that we are approving that site plan.

MILLER This site plan is not tied to the zoning case because it is not a Conditional Use and it is not a C.U.P. so even if he submits this to get a building plan, it will not be approved until it is amended. Now it is up to you, if the MAPC wants to hold the approval up until you see a site plan that shows all the specifications that is up to you but typically, as a straight zone change, they don't have to submit a site plan.

MCNEELY That is a building permit issue and unless there is some other mechanism to prevent this applicant from meeting the minimum requirements of the zoning ordinance, that will be required before they get a building permit.

RATH They will do what all the requirements that are necessary for screening and setback requirements.

DUNLAP This is a zone change and not a building permit, and not a plat.

MOTION: To approve subject to staff comments.

MARNELL moved, **JOHNSON** seconded the motion, and it carried (11-0).

9. Case No.: CON2005-02 – Howard Hancock Request Conditional Use to allow vehicle sales on property zoned "LC" Limited Commercial on property described as;

Lots 19, 20 and 21, on Hillside Avenue, Chautauqua Place, an Addition to Sedgwick County, Kansas. Generally located West of North Hillside and south of First Street (145 N. Hillside).

BACKGROUND: The applicant is requesting a Conditional Use to allow outdoor vehicle and equipment sales on the east 105-feet of Lots 19, 20 and 21, Chautauqua Place Addition, which are zoned "LC" Limited Commercial. The site is located at the southwest corner of Hillside Avenue and 1st Street. The subject site is developed with a five-bay door garage/office, used for limited car and light truck repair. The applicant proposes to retain the site's limited vehicle repair shop, which is permitted by right, and sell pre-owned cars and light trucks. Per the Unified Zoning Code (UZC), outdoor vehicle and equipment sales may be permitted with a Conditional Use in the "LC" zoning district.

Development east and southeast of the subject site, across Hillside Avenue and down to Douglas Avenue include: a dentist office, several free standing single-story retail businesses and a small fast food restaurant with a drive through window. All of these developments are zoned "LC", with the exception of the business furthest southeast of the subject site, along Douglas Avenue, which is zoned "GC" General Commercial. Abutting the south side of the subject site there is a large Ace building supply business zoned "LC" and "GC" along its Douglas Avenue frontage. South of the Ace site and along Douglas Avenue is a small, 0.45-acre, car sales lot, zoned "GC". A car sales lot is permitted by right in the "GC" zoning district. This site used to be a gas station. The gas station's building has been retained and is used as the car sales lot's office. Abutting the west side of the subject site are a single-family residence and duplexes, all zoned "TF-3" duplex zoning. Development north and northeast of the site, across 1st Street and Hillside Avenue, are: a vacant free standing business (owned by the City of Wichita), a neighborhood retail strip (self-service laundry, a liquor store and other retail), both zoned "LC", single-family residences zoned "TF-3", multi-story apartments zoned "LC", offices, medical, dental and veterinary offices and a fire station zoned "LC", "GO" General Office and "B" Multi-family Residential.

The applicant's site plan shows the existing garage/office, two proposed drives onto Hillside Avenue and the one onto 1st Street, two existing lights, proposed signage, circulation completely around the site and the parking/display area. If approved, the applicant needs to provide a revised site plan giving more detail including the square footage of the building, distinguish the parking and

display areas, proposed lighting, solid screening around trash receptacle(s), solid screening around the outside storage area, solid screening along the west side of the site where it abuts residential zoning and landscaping.

CASE HISTORY: The subject property is platted as Lots 19, 20 and 21, Chautauqua Place Addition, which was recorded with the Register of Deeds April 29, 1911. The City has acquired 20-feet of right-of-way along the site's Hillside frontage. Note: The west 25-feet of the three subject lots are zoned "TF-3". The applicant was unaware of the two zoning districts on the site at the time he filed the request. The applicant would prefer to have the current Conditional Use request considered on the "LC" section of the site and if approved, then file for a zone change to "LC" on the "TF-3" section of the site and amend the Conditional Use to extend it to cover the rezoned western portion of the site.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single-family residences, duplexes
	"LC"	Apartments, vacant freestanding retail, neighborhood retail strip
	"GO"	Offices, medical, dental and veterinary offices
	"B"	Office, fire station
SOUTH:	"LC"	Building supply, free standing retail, fast food with drive through window
	"GC"	Car sales lot, building supply, retail
EAST:	"LC"	Retail, dental office
WEST:	"TF-3"	Single-family residence, duplexes

PUBLIC SERVICES: This subject property has access to Hillside Avenue, a 4-lane arterial street and 1st Street, a two-lane, one-way street east. Current traffic volumes at this intersection are approximately 22,280 vehicles per day along Hillside Avenue and 4,808 – 5,184 vehicles per day along 1st Street. The 2030 Transportation Plan estimates that traffic volumes at the intersection will increase to approximately 25,000 vehicles per day along Hillside Avenue and approximately 5,000 – 7,000 vehicles per day along 1st Street. The 2030 Transportation Plan recommends that Hillside Avenue becomes a five-lane arterial street. Improvements along this section of Hillside Avenue are scheduled to begin in 2006. Municipal water and sewer services are currently provided to the subject property. The sewer line is located in west side of the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the general location as appropriate for "Commercial" development. The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features, which limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The Commercial Locational Guidelines also recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg Avenue and Broadway Avenue, or other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. The closest car sales lot is approximately 350-feet south of the subject site, located on a "GC" zoned lot.

In the past the MAPC has identified smaller car sales lots as being more of a local retail establishment in their nature, as opposed to the cluster of larger car sales lots located primarily along Kellogg Avenue and Broadway Avenue, which are more regional in their nature. The MAPC has also recommended that buildings that had in the past been used for automobile activities, such as gas stations, be considered as possible sites for car sales. The subject site's building was constructed in 1958 and was previously used as a Skelly gas station and later for tire sales, prior to its current use for auto repair, limited. The Wichita Northeast Plan (November 1995), while never adopted, does identify issues and goals within the area. This Plan was part of a series of specific community plans to build on the Comprehensive Plan. These plans included the involvement of the various stakeholders in the specific plan areas in articulating their goals and the issues within their neighborhoods. Issues in the Northeast area included the poor appearance of the area, redevelopment, reinvestment, cleanup, code enforcement and vacant and deteriorating storefronts and housing.

RECOMMENDATION: While the site does not entirely meet the Comprehensive Plan's criteria of locating car lots in areas where they are already clustered, it does match up with the MAPC's criteria of locating smaller car sales lots within sites that had previously been used for auto related businesses. Introduction of a car sales lot into an area can lead to other car sales lots and this is an issue that must be addressed on a site-by-site basis with a Conditional Use application. Usually, but not always, on an application for a Conditional Use for a small site for car sales, the car sales are the only business to operate on the site. In this case the applicant proposes to retain the permitted by right limited vehicle repair business, while operating a car sales lot. The upcoming improvements to Hillside Avenue at this site present an opportunity for redevelopment of this site, which would be in the spirit of the Wichita Northeast study. The improvements will include new sidewalks around the site as well opportunities for redevelopment, including additional landscaping, of the site. Landscaping opportunities in particular are present along the site's south lot, which is not developed. Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED**. This recommendation is based on the principle that staff would not be supportive of additional car sales lots in the area. The strength of this application is the fact that a car sales lot already exists, by right on a "GC" zoned lot approximately 350-feet south of the subject site. Recommended conditions of approval include:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of cars and light trucks, as long as it continues to operate as a vehicle repair, limited garage. No sale or rental of trailers, motorcycles or scooters, vehicles or trucks larger than pick ups are permitted.
2. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.
3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards, within 6 months of approval by the MAPC or the City Council. The site will be developed according to the revised site plan.

4. The applicant shall install and maintain landscaping in accordance with the landscape plan submitted with the revised site plan, within six months of approval by the MAPC or the City Council. The landscaping plan will be reviewed and approved by the Planning Director, prior to issuance of any permits.
5. A parking barrier, such as a heavy rail type, shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles do not encroach onto public right-of-way.
6. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons. No signs allowed on the west side of the building.
7. There shall be no use of elevated platforms for the display of vehicles. All vehicles for sale or for repair must be on a concrete, asphalt or an approved all weather surface.
8. No outdoor amplification system shall be permitted.
9. No outside storage of salvaged vehicles or vehicles waiting for repair shall be permitted in association with this use. Outside storage of parts, including tires, associated with the car repair, limited, operation shall be within a 6-foot solid screened area.
10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted. Outside pole lighting shall be no taller than 14-feet and directed onto the site and away from the residential development abutting the west side of the site.
11. The applicant shall erect and maintain gated, solid six-foot screening along the site's western property line that is abutting residential zoning and existing residential development.
12. All trash receptacles, oil containers or any similar type of receptacles for new or used petroleum products or trash shall have solid 6-foot screening around it. The gate shall be of similar materials as the screening.
13. Dedication by separate instrument of access control closing all but one entrance onto Hillside Avenue and one entrance onto 1st Street. The entrances shall be reviewed and approved by the Traffic Engineer. The applicant shall guarantee the closure of all but the approved entrances according to City standards.
14. All improvements shall be completed within one year of the approval of the Conditional Use by the MAPC or the City Council. No selling of cars shall be allowed until all permits have been acquired and all improvements to the site have been made.
15. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
16. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is predominately medical services, office, retail and some multi-family along the Hillside corridor, anchored by the Wesley Hospital complex on the north end. There is only one vacant lot along the corridor and it is zoned "GO" General Office and "MF-29" Multi-family Residential. Office type development will remain in the area as long as Wesley Hospital remains the economic engine for the area. There are low-density residential uses located behind the Hillside corridor. The south end of the corridor has the area's other car sales lot, zoned "GC" General Commercial and permitted by right, and a large building supply business. There are no other car repair shops in the immediate area.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned "LC" Limited Commercial. The property is suitable for the commercial uses to which it has been restricted, including its current use as vehicle repair, limited.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Vehicle sales on a site this size when developed with the Conditional Use, will have a minimum of negative effect on the area and at best improve the property, with the application of additional access control, landscaping, screening and the other conditions on the site.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Commercial Locational Guidelines recommend that auto-related commercial uses should be guided to cluster in areas such as CBD fringe, segments of Kellogg, and other appropriate areas and streets where these uses may already exist or to locations where traffic patterns, surrounding land uses, and utilities can support these activities. A Conditional Use for a car sales lot on this site does not entirely meet the Commercial Locational criteria, but it does meet the criteria of the MAPC in regards to locating small car sales lots on sites that had previously been used for car related businesses. There is another car sales lot within 350-feet of the subject site. There is no adopted neighborhood plan that would specifically discourage a car sales lot on this site. The Conditional Use conditions do represent an opportunity for encouraging investment and upgrading the property, especially within the context of the upcoming improvements to Hillside Avenue at this location and the site's undeveloped south lot.

5. Impact on Community Facilities: All public facilities are available. Existing road facilities are adequate. Additional access control onto Hillside Avenue and 1st Street are an improvement to the area.

Bill Longnecker Presented the staff report.

BOB KAPLAN The only thing that I would like some modification on is Condition number 13. I do not have a problem running this by the Traffic Engineer and making it subject to review and approval. I think that is fair, but I would like to keep my two entrances on Hillside. The acquisition of the southern most lot was a resolution of a condemnation proceeding for Hillside right-of-way. We already gave up two entrances, the two curb cuts nearest the intersection, one on First Street and one on Hillside, so we had four access points. As a car sales lot we really need that traffic circulation. I am going to ask you to change Condition number 13 to two entrances on Hillside Ave. If we had a divided driveway and an in/out, that would be fine.

MCKAY If you do away with the median strip shown on the site plan and move to the entrance south a little you may be able to have a wider entrance.

KAPLAN That would be all right. If we can get a wider curb cut that would be fine.

MCKAY What does staff think about that?

SCHLEGEL Why don't you let him work it out with the Traffic Engineer.

MCKAY I don't want to approve it with two curb cuts if they can work it out, the location, size and number of openings.

SCHLEGEL Why don't we get rid of the numbers in here and just make it as approved by the Traffic Engineer.

LONGNECKER We can eliminate the first sentence of the condition and just say the entrances will be approved by the Traffic Engineer.

MCKAY That would work.

DONNA GOLTRY 235 N. ROOSEVELT I am speaking as a neighbor in this application area. I have not had any input on this case, as a planner. This is a difficult case to sort through, because some of the characteristics of the Hillside and Douglas corridor might lend one to believe that the appropriate thing to do is to grasp at a straw for some sort of redevelopment in that area. I would contend that the corridor is redeveloping as permitted by right and that moving in this direction with a car lot is counter productive to the resurgence that is occurring on the Hillside and Douglas corridor.

Now is an exciting time to have property along Hillside. Look at all of the investment that has occurred within the last year. Millions of dollars in Wesley and the College Hill retail, across from Wesley, has been highly successful. There has been a lot of improvement along Douglas, with the most recent being Epic, a boutique for unique clothing. Center turn lanes at Hillside and Douglas, which are desperately needed, will soon be installed. As stated in the staff report, the applicant did give 20 feet of right-of-way along Hillside in exchange for the property to the south.

I think this is the wrong approach in recommending approval of a car lot in this area. If you look at the staff report, the locational criteria notes that they should be located where there is an existing cluster of car lots. There is no cluster here. There is one orphaned car lot that is zoned "GC", which allows it by right. Because it is zoned "GC" there was nothing that the College Hill Neighborhood or the Uptown Neighborhood could do about it when it was opened about four-five years ago, and there was neighborhood opposition. This is not the same scenario because of the zoning requiring a Conditional Use and because of its location. Although Hillside is an arterial, First Street, which is a one-way collector street, is not a major arterial. The car lot located on Douglas and Hillside is located on two arterials. This location is away from the core of the retail corner of the Hillside and Douglas intersection.

The second point made in the staff report is that we don't encourage proliferation of car lots in an area. The surrounding land, as seen on the zoning map, shows the location of the applicant's property, both the garage site and this property across 1st Street from the garage. The property east of that property is owned by the City of Wichita and is for sale. I think there is an amount of vulnerability here, in that this lot, if bought by the applicant could possibly lend itself to a future expansion of the this car sales lot. Mr. Kaplan several times today has mention car carriers coming into the site and yet the case was presented as a low scale, low impact use that is being teamed with the existing car repair business. Now we are talking about car carriers. I would ask that because this has not been to the District Advisory Board yet, that this case be deferred until the DAB has opportunity for input.

BISHOP I know that from the Comprehensive Plan that it says under Commercial Locational Guidelines that one of our objectives would be to guide auto sales lots and other types of infrequent merchants or non-neighborhood serving commercial areas to areas existing or planned containing similar uses and away from the neighborhood areas. I was wondering if it would be possible that, that piece from the Comprehensive Plan be included with the presentation to the District Advisory Board.

LONGNECKER Certainly.

KAPLAN I would have appreciated that if Donna would have given me a call. I had no idea that she intended to appear and speak against this case. I don't know if there will be car carriers or not. I am going to ask you to follow the staff recommendation and approve it, and resolve the curb cuts with the Traffic Engineer. I think we will have a quality operation out there, and Mr. Hancock is very active in the College Hill Neighborhood Association and is a good corporate citizen.

HOWARD HANCOCK, applicant I can present some of the things that I have done with this property. I live in College Hill, about three blocks away. Here are some pictures of before and after when I bought a property, which was basically derelict, and was being used for lower end auto repair. I have fixed this property up, and I have improved the area, which continues to be my goal

with this application. The home that I own that Donna mentioned is this one across the street. It was a run down rental property when I purchased it. I fixed it up, painted it, and landscaped it. The home that I own in College Hill I purchased in 1998 is very close to the Frank Lloyd Wright house. It was also a derelict house and was probably going to be torn down. I completely renovated the house and it is pretty much a show piece.

DUNLAP We have reached the allotted time for rebuttal but I think you have made your point very well.

GIBBS How many slots do you intend for car lot sales?

HANCOCK We are thinking 10-15 cars. There is not going to be any kind of a huge car carrier. The operation will be low key, nothing like Kellogg or Broadway.

MARNELL I would like to ask a question about Condition number 9, as I read it, the vehicles that will be displayed outdoors on this lot will be in fact vehicles that are for sale, and not vehicles that are waiting for repair shop?

LONGNECKER That is correct.

MARNELL I have been on the losing side of these before with Donna. One down at the south end of Hillside down by Pawnee, where across the street there was a repair shop that had junkers everywhere, and it was a horrible site and somebody wanted to put a used car lot on the other side and we said, "Not acceptable. We can't stand the word "used car" which was the staff's attitude. So we allowed the junk repair place across the street from what would have been a neat car lot that was turned down because it was a used car lot. I am glad to see this condition in Staff's recommendation. I am going to support this application.

BISHOP I am going to oppose this application. I think Donna has done an excellent job of giving a lot of site specific reasons why this is not a good place for a used car lot. The staff report says that in the past MAPC has identified smaller car sales lots as being more of a local retail establishment in nature as opposed to a cluster of larger car sales lots located on Kellogg. What that tells me is that we have amended the Comprehensive Plan without being up front about it. I would like to recommend that we defer this until the DAB has a chance to hear this, and we have a discussion about the locational intention for used car sales.

MOTION: APPROVE subject to staff comments and have Mr. Kaplan work out the details on the approach on Hillside with Traffic Engineering.

MCKAY moved, **MARNELL** seconded the motion.

SUBSTITUTE MOTION: DENY the application based on the Comprehensive Plan.

BISHOP moved. The substitute motion failed due to a lack of a second

SHERMAN This application has not gone before the DAB. I am not opposed to this car lot being there, and I think it is going to be just fine but I think the DAB should hear this.

LONGNECKER This is scheduled to go to the DAB.

SHERMAN If we approve it prior to that what will that do?

LONGNECKER The DAB's recommendation will go to the Council if there are protests or if the Council member wishes to have the case proceed to Council. The March 7th DAB meeting will be before the two week protest period ends.

The original motion was approved (10-1). **BISHOP** opposed.

BISHOP I would ask that we do something to address the Comprehensive Plan, what it says and what our practice is and the distance between those two.

DUNLAP I think your comments are well noted.

BISHOP It is ready to go to the public.

MARNELL The Comprehensive Plan is a guideline.

MCKAY I have been here a couple of years and I think this is the first time staff has ever approved having a used car lot anywhere.

The Metropolitan Area Planning Department informally adjourned at 3:22 p.m.

State of Kansas)
Sedgwick County) ^{ss}

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2005.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)